#401

BILL NO. Z-89-08-06

ZONING MAP ORDINANCE NO. Z-Loch

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-2 (General Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter of the Southwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, in particular described as follows, to-wit:

Commencing on the West line of said Quarter Section at a point situated 920.0 feet North of the Southwest corner of said Section; thence continuing North on the line aforesaid, a distance of 401.0 feet to the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 28; thence East by a deflection right of 89 degrees 40 minutes on the North line of the Southwest Quarter of Section 28, a distance of 591.8 feet (593.0 feet, deed Record 365, page 383) to an iron pin found; thence Southwesterly by a deflection right of 93 degrees 07 minutes 30 seconds (93 degrees 00 minutes deed), a distance of 442.9 feet; to an iron pipe found; thence Northwesterly by a deflection right of 97 degrees 10 minutes (97 degrees 29 minutes deed), a distance of 253.62 feet (252.7 feet deed) to a pipe found in an open ditch channel; thence West by a deflection left of 11 degrees 01 minutes (11 degrees 13 minutes deed), a distance of 320.5 feet (321.7 feet Deed Record 372 , page 431) to the point of beginning; containing 5.45 acres.

and the symbols of the City of Fort Wayne Zoning Map No. H-22, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

#401

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay

J. TIMOTHY MCCAULAY, CITY ATTORNEY

PRESCRIBED BY STATE BOARD OF ACCOUNTS

L.E. BOECE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

№ 7236

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7/18 19 89

RECEIVED FROM Gallucci & Hopkins & Thomsen $100.00

THE SUM OF One Hundred 00/100 DOLLARS

ON ACCOUNT OF 3432 Hedges Rd

Rezone R-1 to M-2

#33701

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

[illegible]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Arthur R. Burris and Mildred Burris
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an M-2 District the property described as follows:

Fractional North 401' of West 593' in the Southwest 1/4 of the Southwest 1/4 of section 28, Township 31 North, Range 12 East, Allen County, Indiana, containing, approximately 5.61 acres

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3432 Hillegas Road

Fort Wayne, Indiana
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Arthur R. Burris	6111 Bohde Trail	Arthur R. Burris
Mildred Burris	" "	Mildred Burris

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Gallucci Hopkins and Theisen	7th Fl. Paine Webber Bldg. 46802	424-3800

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Fractional North 401' of West 593' in the Southwest 1/4 of the Southwest 1/4 of section 28, Township 31 North, Range 12 East, Allen County, Indiana, containing, approximately 5.61 acres

Owners of Property

(Name)	(Address)	(Signature)
Arthur R. Burris	6111 Bohde Trail	Arthur R. Burris
Mildred Burris	6111 Bohde Trail	Mildred Burris

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

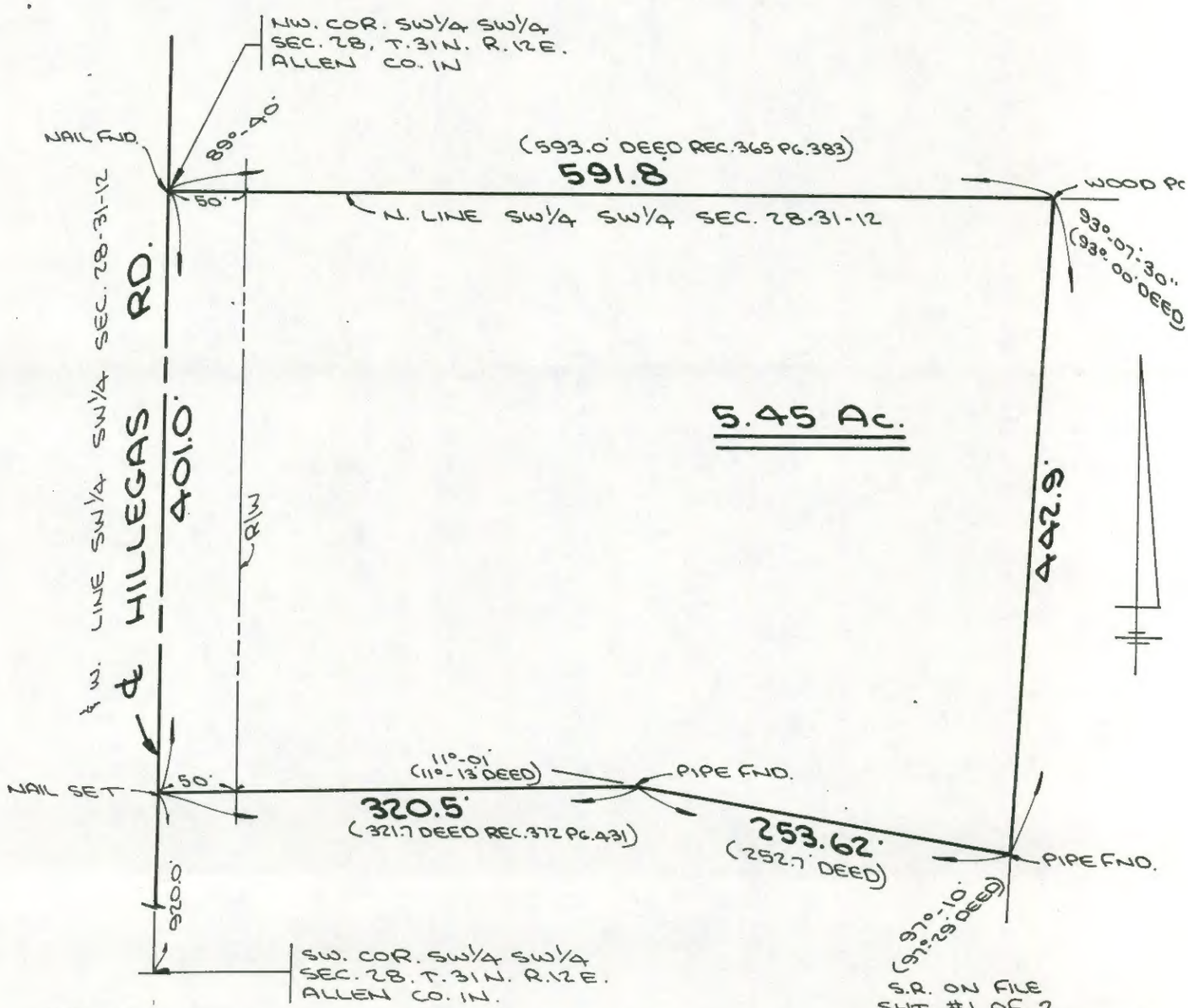
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: SEE ATTACHED SHEET!



S.R. ON FILE
SHT. #1 OF 2

NOTE: According to the FIA Flood Hazard Boundary Maps, the herein described real estate is not located in a flood hazard area.

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

JOB FOR: SILKWORTH

1" = 100'
7-14-89

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
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Commencing on the West line of said Quarter Section at a point situated 920.0 feet North of the Southwest corner of said Section; thence continuing North on the line aforesaid, a distance of 401.0 feet to the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 28; thence East by a deflection right of 89 degrees 40 minutes on the North line of the Southwest Quarter of Section 28, a distance of 591.8 feet (593.0 feet, deed Record 365, page 383) to an iron pin found; thence Southwesterly by a deflection right of 93 degrees 07 minutes 30 seconds (93 degrees 00 minutes deed), a distance of 442.9 feet; to an iron pipe found; thence Northwesterly by a deflection right of 97 degrees 10 minutes (97 degrees 29 minutes deed), a distance of 253.62 feet (252.7 feet deed) to a pipe found in an open ditch channel; thence West by a deflection left of 11 degrees 01 minutes (11 degrees 13 minutes deed), a distance of 320.5 feet (321.7 feet Deed Record 372, page 431) to the point of beginning; containing 5.45 acres.

SHT. #2 OF 2

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA SURVEYOR

JOB FOR: SILKWORTH

7-14-89

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____.M.,E.S.T.

DATED: 8-8-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	9	_____	_____
BRADBURY	_____	✓	_____	_____
BURNS	_____	✓	_____	_____
EDMONDS	_____	✓	_____	_____
GiaQUINTA	_____	✓	_____	_____
HENRY	_____	✓	_____	_____
LONG	_____	✓	_____	_____
REDD	_____	✓	_____	_____
SCHMIDT	_____	✓	_____	_____
TALARICO	_____	✓	_____	_____

DATED: 10-24-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____,

ATTEST

_____
SANDRA E. KENNEDY, CITY CLERK

SEAL

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
PAUL HELMKE, MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-08-06;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1989.

Certified and signed this
3rd day of October 1989.

Robert Hutner
Secretary

FACT SHEET

Z-89-08-06
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-1 to M-2

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

3432 Hillegas Road

Reason for Project

Construct a small manufacturing plant on property.

Discussion (Including relationship to other Council actions)

21 August 1989 - Public Hearing

See Attached Minutes of Meeting

28 August 1989 - Business Meeting

Tabled by the Plan Commission

25 September 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven voted in favor of the motion one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Arthur R & Mildred Burris City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -rezoning would have a negative impact on residential uses to the west and south
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date July 18, 1989

Projected Completion or Occupancy Date Sept 27, 1989

Fact Sheet Prepared by Date Sept 27, 1989

Patricia Biancaniello

Reviewed by Date Oct. 2, 1989

Reference or Case Number

b. Bill No. Z-89-08-06 - Change of Zone #401
From R-1 to M-2
3432 Hillegas Rd

Gary Calhoun, attorney for the petitioners appeared before the Commission. Mr. Calhoun stated that the petition did receive a negative report from the staff. He stated though that they feel that this rezoning would be a logical rezoning. He stated that the area in question is surrounded by commercial zoning and uses. He stated it is not in the middle of a residential area. He stated that the purchaser, Striker Company, wishes to expand on this property. He stated the purchaser presently owns the land immediately to the north of the property in question, where Peg Perego Manufacturing Company is located. He stated that they manufacture baby strollers, etc. He stated that the intent is to construct another smaller plant on the property in question. He stated that this would be a separate plant not an addition to the existing plant. He stated that they would utilize some of the same management and the owners would be the same. He stated that there is a 20 foot drop less that 500 feet from the road to the back of the lot. He stated that there is also a creek that runs through there. He stated it is really not suitable for residential development because of the drop off of the land. He stated that if rezoned the new plant would hopefully be developed within a year. He stated it is the only logical place for the expansion of the business. He stated to the north of the business is Federal Express and another manufacturing plant to the other side of them. He stated that they would have no problem supplying a buffer zone.

Wil Smith questioned if they had heard from any of the residents adjacent to the property.

Mr. Calhoun stated that they had not.

Mel Smith questioned what they intended to do about the creek.

Mr. Calhoun stated that he did not think the creek would encroach where they intend to locate the building.

Wil Smith questioned if this were not rezoned is there a possibility that this could be developed residentially.

Mr. Calhoun stated that he doubted that it would. He stated one of the reasons is that it does have a 20 foot drop in the grade. He stated that they would have to fill in the lot at least 13 to 20 feet to be level with the road. He stated that if you built a home on the property as it presently sits, a two story home, the roof would only be level with the road.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

#401

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3432 Hillegas Road

Z-89-08-06

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become M-2 - General Industrial District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-89-08-06

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. H-22

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
	David C. Long		
	Samuel J. Talarico		
	Clyde R. Edmonds		
	D. Schmidt		

DATED: 10-24-89

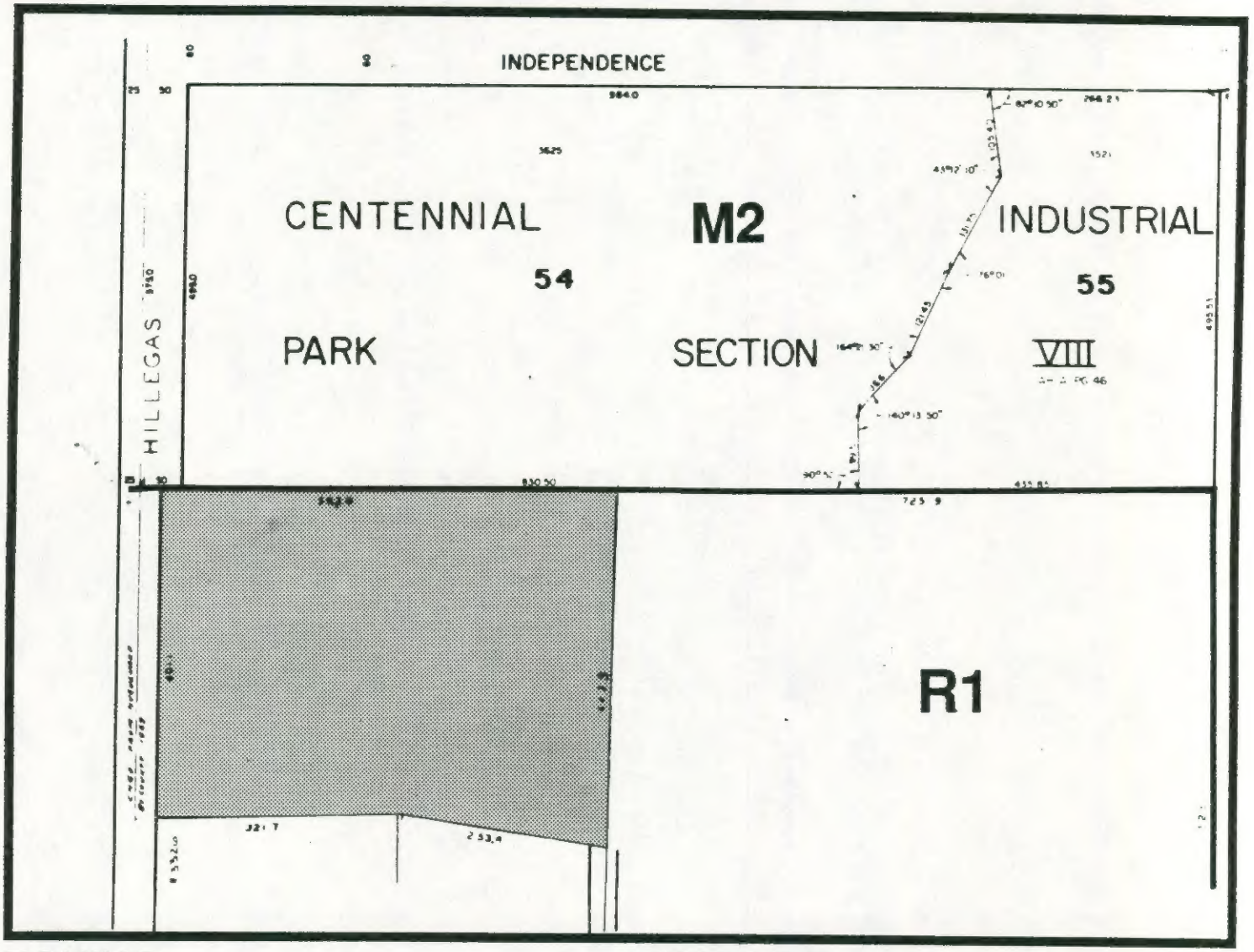
Sandra E. Kennedy
City Clerk

REZONING PETITION #401

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R1** DISTRICT TO A **M2** DISTRICT.

MAP NO. **H-22**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

R1 RESIDENTIAL DISTRICT

M2 GENERAL INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

SCALE: 1"=200'

DATE: 7-25-89

N